

# INFLUENCING LEGAL TRENDS IN DOMESTIC VIOLENCE

By Michele Wojciechowski

**LEIGH GOODMARK, PROFESSOR AND DIRECTOR OF MARYLAND CAREY LAW'S GENDER VIOLENCE CLINIC, ADMITS THAT THE WORK SHE AND HER STUDENTS DO ISN'T EASY.** But having worked in the gender violence field for more than 20 years, Goodmark knows how critically important their work is.

An internationally-known author and speaker on gender violence, Goodmark is a leader in the field. Now, she's helping to create more leaders through her clinical work.

"The Gender Violence Clinic provides legal services to clients who have issues where gender and violence intersect in any way. We work with victims of rape and sexual assault, domestic violence, trafficking, LGBTQ discrimination, and hyper-incarceration of women," explains Goodmark, who established the clinic three years ago. "Our story is more of a struggle story. It's really about the ways in which it's very difficult to get judges and others to accept narratives of gender violence, and believe them, and then incorporate them into their legal decision-making."

Goodmark and her students often work with women who are incarcerated for injuring or killing their partners because they were victims of gender violence. "Some of our clients have had experts testify on their behalf and judges saying, 'You may be the leading expert on this in the country, but I

don't buy it.' So at the parole stage, it's our job to get the Parole Commission to accept what a judge wouldn't," says Goodmark, who examined the history of domestic violence law in her book, *A Troubled Marriage: Domestic Violence and the Legal System*. Judges are often skeptical of the abuse, or remark that clinic clients should have left the situation, adds Goodmark, noting that although domestic violence clients may have low incomes, use drugs, or be sex workers, they were still abused.

"People judge credibility based on those things. Then they don't believe what the woman is saying because of who she is or what she does," says Goodmark. When clients enter a courtroom or parole hearing, "our job is to transform [their] stories into narratives that resonate with judges and commissioners," explains Goodmark. "That's why our work is so important."

Alumna Lila Meadows '15, now the clinical faculty fellow at the University of Baltimore School of Law's Mediation for Families Clinic, says the skills she learned in the Gender Violence Clinic helped her obtain Yale Law School's Public Interest Fellowship and influenced her work at Second Chance for Women in Maryland, where she represented incarcerated women serving long sentences

who were eligible for parole. "I was trained to know that when a client comes to you with a problem, your job is not to tell them how to solve the problem. Your job is to generate options for them," says Meadows. "You let the client decide what is best for her, even if you don't think it's the best decision. Because the client is the one who will live with the consequences of her choice.... This is especially important in domestic violence cases. I learned to empower women who don't feel like they have any power."

"Students get an understanding of some of the really important issues facing society in clinic," says Goodmark. "They're looking at gender violence, but also looking at race, class, gender identity, sexual orientation, poverty, and the ways in which access to justice is restrained for people who don't have access to capital. What they take out into the world [as lawyers] is really important." Goodmark

is thrilled even if graduates become prosecutors because, she says, they will be the kinds of prosecutors who are sensitive to domestic violence issues.

## WORKING FOR ASYLUM

Professor Maureen Sweeney, a seasoned immigration lawyer who has directed Maryland Carey Law's Immigration Clinic since 2004, works with students to conduct deportation defense in the federal Immigration Court in Baltimore, which hears cases from all over Maryland. Recently, they've primarily been representing women and children who are seeking asylum in the U.S. after fleeing domestic violence or gender-based gang violence in Central America. Like the Gender Violence Clinic, the Immigration Clinic has also been struggling with issues of credibility for their clients.

"We end up having to present expert testimony about rates of domestic violence, resources

**"Our story is more of a struggle story. It's really about the ways in which it's very difficult to get judges and others to accept narratives of gender violence, and believe them, and then incorporate them into their legal decision-making."**





Diamond Martin '16 (left) and Janna Domico '16 (right) join Gender Violence Clinic client Alexandrae Lewis and her son Joseph (middle) after successfully litigating a custody case involving domestic abuse.

for victims, and the rates of prosecution for abusers—all of which are obstacles for someone who is underrepresented,” says Sweeney.

According to Sweeney, over half of those who appear in immigration court do so without a lawyer because there is no guarantee of representation. “The system presumes that people can present their own cases. The reality is that immigration law and the questions of proof required to establish an asylum claim are so complicated that even many lawyers can’t do it sufficiently, let alone somebody who has no familiarity with the U.S. legal system, may not know English at all or fluently, and may have limited education,” says Sweeney. “The difference that we make for people is so profound.”

Sweeney and her students also have been making changes in domestic violence case law. “What we’re doing is one small piece of a movement that is happening across the country, which is to establish this case law that domestic violence is a perfectly acceptable basis for asylum,” explains Sweeney. “These cases are paving the way in our local courts for this change in the law that is happening on a national level.”

Michelle Mendez '08 chose to attend Maryland Carey Law because of its

Immigration Clinic’s reputation and worked for it day and night. “A person’s life was in my hands,” she recalls.

Now an attorney with the Catholic Legal Immigration Network, Inc. (CLINIC), Mendez spends half of her time providing training and legal support on all types of matters in immigration law. The other half is dedicated to being CLINIC’s point person for the CARA Project, a national partnership of four organizations: CLINIC, the American Immigration Lawyers Association, the Refugee and Immigrant Center for Education and Legal Services, and the American Immigration Council.



Following interviews with women at the Maryland Correctional Institution for Women, Natalie Bilbrough, Jade McDuffie, Hillary Tebeleff, Monica Basche, and Jaime Jacobson (left to right), all 2016 graduates, told the Justice Reinvention Coordinating Council about the issues women seeking parole face. Collectively, students crafted written testimony, while Basche gave oral testimony on behalf of the Gender Violence Clinic.

Working with CARA, where a majority of the cases have a gender violence component, Mendez is focusing on the issues that affect immigrant women seeking asylum. With the U.S. presidential election coming up, she says, “Most of these issues are coming to a head, with the immigration rhetoric and people having the misconception that the women are coming here for economic opportunities. No—they have been raped. They have been abused. Their government doesn’t protect them, and they’re actually leaving because they are asylum-seekers.” These are some of the facts, Mendez explains, that CARA and other advocates are seeking to get across to the government, as well as to the judicial system. And Mendez is always looking to do more to help asylum-seeking women.

“I started a private Facebook group for mother asylum-seekers from Central America who lack an attorney and overall legal guidance, so that they can better navigate the process on their own,” says Mendez. “It also functions as a support group, as the women are very kind and encouraging to one another.”

#### MAKING A DIFFERENCE

Clinic experiences change students, a change they take with them into whatever work they do. They “bring you face-to-

face with people and their suffering,” says Mendez. “That really builds empathy.”

“What I believe and think my students see is the value in helping someone who is at one of the lowest points of their life try to figure out what are the right steps to take. It’s an enormously rewarding field of law,” says Goodmark. “The most gratifying thing in the world is that many of my students go on to do this work, and they feel the same way. Together, we’re going to make a difference.”

Third-year student Adilina Malavé (left) and Melissa Ruano '16 (right) pose outside the federal Immigration Court building in Baltimore after obtaining asylum for their client, Jackelinne Chavez (middle).



## Launching a **SAFE** Haven

### NEW HUMAN TRAFFICKING SUPPORT CENTER INCLUDES LEGAL SERVICES

Awareness surrounding another form of abuse is also on the rise: human trafficking. Human trafficking is a modern form of slavery in which women, children, and men are exploited for profit through coerced sex and forced labor.

“Human trafficking is real and presents profound negative health impacts; victims often suffer persistent and intense physical, sexual, and emotional violence,” explains Professor Kathleen Hoke. “Federal, state, and local laws have focused on using criminal law and social services resources to respond to human trafficking, but more needs to be done.”

Maryland is considered a locus for human trafficking—the second largest criminal enterprise after illegal drugs—due to its central location along major East Coast thoroughfares. To help address the problem, Maryland Carey Law is a core partner in the new SAFE (Support, Advocacy, Freedom, and Empowerment) Center for Human Trafficking Survivors, founded and directed by Visiting Professor, Ambassador Susan G. Esserman.

The SAFE Center is part of the University of Maryland: *MPowering the State* initiative. “The University of Maryland, Baltimore (UMB) is honored to partner with the University of Maryland, College Park, to alleviate the devastating impact human trafficking has on our community, here in Maryland and globally,” said UMB President Jay A. Perman, MD, at the May 9, 2016, SAFE Center launch event in

College Park, Md. Featured speakers at the event also included U.S. Senator Ben Cardin '67 and U.S. Representative Chris Van Hollen.

The SAFE Center is taking an innovative three-pronged approach to combat sex and labor trafficking. The Center brings together the expertise of the university to address the multidimensional legal, social, health, and economic issues of human trafficking to achieve its mission: to provide survivor-centered, trauma-informed services that empower trafficking survivors to heal and reclaim their lives, and to help prevent trafficking and better serve survivors through research and policy advocacy.

[www.umdsafecenter.org](http://www.umdsafecenter.org)